DOCUMENT RESUME

ED 339 920 CE 059 903

TITLE Amending the Job Training Partnership Act. Senate, 102d Congress, 1st Session. Report To Accompany S. 367.
INSTITUTION Congress of the U.S., Washington, D.C. Senate Committee on Labor and Human Resources.
REPORT NO Senate-R-102-65
PUB DATE 24 May 91
NOTE 33p.; Calendar No. 97.
PUB TYPE Legal/Legislative/Regulatory Materials (090)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Adult Basic Education; *Federal Legislation; *Federal Programs; *Females; *Job Training; *Nontraditional Occupations; Postsecondary Education; Program Development; Program Improvement
IDENTIFIERS Amendments; Congress 102nd; *Job Training Partnership Act 1982; *Proposed Legislation

ABSTRACT

Proposed Senate Bill 367, the Nontraditional Employment for Women Act, contains provisions to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women. The two major components of the bill are: (1) planning and reporting requirements; and (2) a 4-year demonstration program to foster the development of programs to train and place women in nontraditional jobs. This report contains the bill as reported by the Senate Committee on Labor and Human Resources in May 1991 and the following 10 sections: (1) summary of the bill; (2) background and need for legislation; (3) history of the legislation; (4) hearings; (5) committee views; (6) votes in committee; (7) cost estimate; (8) regulatory impact statement; (9) section-by-section analysis; and (10) changes in existing law. (KC)

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Calendar No. 97

102D CONGRESS *1st Session*	SENATE	REPORT 102-65

ED339920

AMENDING THE JOB TRAINING PARTNERSHIP ACT

MAY 24 (legislative day, APRIL 25), 1991.—Ordered to be printed

Mr. KENNEDY, from the Committee on Labor and Human Resources, submitted the following

REPORT

[To accompany S. 367]

The Committee on Labor and Human Resources, to which was referred the bill (S. 367) to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill do pass.

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I. BILL AS REPORTED

[367, 102d Cong., 1st sess.]

A BILL To amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CE059703

49-010

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SECTION 1. SHORT TITLE.

This Act may be cited as the "Nontraditional Employment for Women Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) over 7,000,000 families in the United States live in poverty, and over half of those families are single parent households headed by women;

(2) women stand to improve their economic security and independence through the training and other services offered under the Job Training Partnership Act;

(3) women participating under the Job Training Partnership Act tend to be enrolled in programs for traditionally "female" occupations;

(4) many of the Job Training Partnership Act programs that have low female enrollment levels are in fields of work that are nontraditional for women;

(5) employment in traditionally male occupations leads to higher wages, improved job security, and better long-range opportunities than employment in traditionally female-dominated fields;

(6) the long-term economic security of women is served by increasing nontraditional employment opportunities for women; and

(7) older women reentering the workforce may have special needs in obtaining training and placement in occupations providing economic security.

(b) STATEMENT OF PURPOSE.—The purposes of this Act are—

(1) to encourage efforts by the Federal, State, and local levels of government aimed at providing a wider range of opportunities for women under the Job Training Partnership Act;

(2) to provide incentives to establish programs that will train, place, and retain women in nontraditional fields; and

(3) to facilitate coordination between the Job Training Partnership Act and the Carl D. Perkins Vocational and Applied Technology Education Act to maximize the effectiveness of resources available for training and placing women in nontraditional employment.

SEC. 3. DEFINITION.

Section 4 of the Job Training Partnership Act (hereinafter referred to as the "Act") is amended by adding at the end thereof the following new paragraph:

"(30) The term 'nontraditional employment' as applied to women refers to occupations or fields of work where women comprise less than 25 percent of the individuals employed in such occupation or field of work.".

SEC. 4. SERVICE DELIVERY AREA JOB TRAINING PLAN.

Section 104(b) of the Act is amended—

(1) by redesignating paragraphs (5), (6), (7), (8), (9), (10), and (11) as paragraphs (6), (7), (8), (9), (10), (11), and (12), respectively;

(2) by inserting after paragraph (4) the following new paragraph:

"(5) goals for—

"(A) the training of women in nontraditional employment; and

"(B) the training-related placement of women in nontraditional employment and apprenticeships;

and a description of efforts to be undertaken to accomplish such goals, including efforts to increase awareness of such training and placement opportunities;"; and

(3) in paragraph (12), as redesignated in paragraph (1) above, by;

(A) striking "and" at the end of subparagraph (B);

(B) striking the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(C) adding after subparagraph (C) the following new subparagraphs:

"(D) the extent to which the service delivery area has met its goals for the training and training-related placement of women in nontraditional employment and apprenticeships; and

"(E) a statistical breakdown of women trained and placed in nontraditional occupations, including—

"(i) the type of training received, by occupation;

"(ii) whether the participant was placed in a job apprenticeship, and, if so, the occupation and the wage at placement;

"(iii) the participant's age;

"(iv) the participant's race; and

"(v) information on retention of the participant in nontraditional employment."

SEC. 5. GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN.

(a) IN GENERAL.—Section 121(b) of the Act is amended by—

(1) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) The plan shall include goals for

"(A) the training of women in nontraditional employment through funds available under the Job Training Partnership Act, the Carl D. Perkins Vocational and Applied Technology Education Act, and other sources of Federal and State support;

"(B) the training-related placement of women in nontraditional employment and apprenticeships;

"(C) a description of efforts to be undertaken to accomplish such goals, including efforts to increase awareness of such training and placement opportunities; and

"(D) a description of efforts to coordinate activities provided pursuant to the Job Training Partnership Act and the Carl D. Perkins Vocational and Applied Technology Education Act to train and place women in nontraditional employment."

(b) SPECIAL PROGRAMS.—Section 121(c) of the Act is amended by—

(1) redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(2) inserting after paragraph (8) the following new paragraph:

"(9) providing programs and related services to encourage the recruitment of women for training, placement, and retention in nontraditional employment;"

SEC. 6. STATE JOB TRAINING COORDINATING COUNCIL.

Section 122(b) of the Act is amended by—

(1) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (9), (10), (11), and (12), respectively; and

(2) inserting after paragraph (4) the following new paragraphs:

"(5) review the reports made pursuant to subparagraphs (D) and (E) of section 104(b)(12) and make recommendations for technical assistance and corrective action, based on the results of such reports;

"(6) prepare a summary of the reports made pursuant to subparagraphs (D) and (E) of section 104(b)(12) detailing promising service delivery approaches developed in each service delivery area for the training and placement of women in nontraditional occupations, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;

"(7) review the activities of the Governor to train, place, and retain women in nontraditional employment, including activities under section 123, prepare a summary of activities and an analysis of results, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;

"(8) consult with the sex equity coordinator established under section 111(b) of the Carl D. Perkins Vocational and Applied Technology Education Act, obtain from the sex equity coordinator a summary of activities and an analysis of results in training women in nontraditional employment under the Carl D. Perkins Vocational and Applied Technology Education Act, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;"

SEC. 7. STATE EDUCATION COORDINATION AND GRANTS.

(a) STATE EDUCATION COORDINATION AND GRANTS.—Section 123(a) of the Act is amended by—

(1) striking "and" at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and "and"; and

(3) inserting the following new paragraph at the end thereof:

"(4) to provide statewide coordinated approaches, including model programs, to train, place, and retain women in nontraditional employment."

(b) USE OF FUNDS.—Section 123(c) is amended—

(1) in paragraph (2)(B) by striking "(1) and (3)" and inserting in lieu thereof "(1), (3), and (4)"; and

(2) in paragraph (3) by striking "(1) and (3)" and inserting in lieu thereof, (3), and (4)".

SEC. 8. USE OF FUNDS.

Section 204 of the Act is amended by—

(1) redesignating paragraphs (27) and (28) as paragraphs (28) and (29), respectively; and

(2) inserting after paragraph (26) the following new paragraph:

"(27) outreach, to develop awareness of, and encourage participation in, education, training services, and work experience programs to assist women in obtaining nontraditional employment, and to facilitate the retention of women in nontraditional employment, including services at the site of training or employment,".

SEC. 9. DEMONSTRATION PROGRAMS.

Part D of Title IV of the Act is amended by adding at the end thereof the following new section:

DEMONSTRATION PROGRAMS

"SEC. 457. (a)(1) From funds available under this part for each of the fiscal years 1992, 1993, 1994, and 1995, the Secretary shall use $1,500,000 in each such fiscal year to make grants to States to develop demonstration and exemplary programs to train and place women in nontraditional employment.

"(2) The Secretary may award no more than 6 grants in each fiscal year.

"(b) In awarding grants pursuant to subsection (a), the Secretary shall consider—

"(1) the level of coordination between the Job Training Partnership Act and other resources available for training women in nontraditional employment;

"(2) the extent of private sector involvement in the development and implementation of training programs under the Job Training Partnership Act;

"(3) the extent to which the initiatives proposed by a State supplement or build upon existing efforts in a State to train and place women in nontraditional employment;

"(4) whether the proposed grant amount is sufficient to accomplish measurable goals;

"(5) the extent to which a State is prepared to disseminate information on its demonstration training programs; and

"(6) the extent to which a State is prepared to produce materials that allow for replication of such State's demonstration training programs.

"(c)(1) Each State receiving financial assistance pursuant to this section may use such funds to—

"(A) award grants to service providers in the State to train and otherwise prepare women for nontraditional employment;

"(B) award grants to service delivery areas that plan and demonstrate the ability to train, place, and retain women in nontraditional employment; and

"(C) award grants to service delivery areas on the basis of exceptional performance in training, placing, and retaining women in nontraditional employment.

"(2) Each State receiving financial assistance pursuant to subsection (C)(1)(A) may only award grants to—

"(A) community-based organizations,

"(B) educational institutions, or

"(C) other service providers, that have demonstrated success in occupational skills training.

"(3) Each State receiving financial assistance under this section shall ensure, to the extent possible, that grants are awarded for training, placing, and retaining women in growth occupations with increased wage potential.

"(4) Each State receiving financial assistance pursuant to subsection (c)(1)(B) or (c)(1)(C) may only award grants to service delivery areas that have demonstrateed ability or exceptional performance in training, placing, and retaining women in nontraditional employment that is not attributable or related to the activities of any service provider awarded funds under subsection (c)(1)(A).

"(d) In any fiscal year in which a State receives a grant pursuant to this section such State may retain an amount not to exceed 10 percent of such grant to—

"(1) pay administrative costs,

"(2) facilitate the coordination of statewide approaches to training and placing women in nontraditional employment, or

"(3) provide technical assistance to service providers.

"(e) The Secretary shall provide for evaluation of the demonstration programs carried out pursuant to this section, including evaluation of the demonstration programs' effectiveness in—

"(1) preparing women for nontraditional employment, and

"(2) developing and replicating approaches to train and place women in nontraditional employment.

SEC. 10. REPORT AND RECOMMENDATIONS.

(a) REPORT. —The Secretary of Labor shall report to the Congress within 5 years of the date of enactment of this Act on—

(1) the extent to which States and service delivery areas have succeeded in training, placing, and retaining women in nontraditional employment, together with a description of the efforts made and the results of such efforts; and

(2) the effectiveness of the demonstration programs established by section 457 of the Job Training Partnership Act in developing and replicating approaches to train and place women in nontraditional employment, including a summary of activities performed by grant recipients under the demonstration program authorized by section 457 of the Job Training Partnership Act.

(b) RECOMMENDATIONS.—The report described in subsection (a) shall include recommendations on the need to continue, expand, or modify the demonstration programs established by section 457 of the Job Training Partnership Act, as well as recommendations for legislative and administrative changes necessary to increase nontraditional employment opportunities for women under the Job Training Partnership Act.

SEC. 11. DISCRIMINATION.

(a) For purposes of this legislation, nothing in this Act shall be construed to mean that Congress is taking a position on the issue of comparable worth.

(b) Nothing in this Act shall be construed to require, sanction, or authorize discrimination in violation of Title VII of the Civil Rights Act of 1964 or any other federal law prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age. No individual shall be excluded from participation in, denied the benefits of, subjected to discimination under, or denied employment in any program under this Act because of race, color, religion, sex, national origin, age, handicap, political affiliation or belief. Failure to meet the goals in the Act shall not itself constitute a violation of Title VII of the Civil Rights Act of 1964 or any other federal law prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age.

SEC. 12. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect upon the date of enactment of this Act, except that the requirements imposed by sections 4, 5, and 6 of this Act shall apply to the plan or report filed or reviewed for program years beginning on or after July 1, 1992.

II. SUMMARY OF THE BILL

S. 367, the Nontraditional Employment for Women Act (the "NEW" Act), seeks to expand efforts to train and place women in nontraditional employment through the Job Training Partnership Act. The two major components of the bill are (1) planning and reporting requirements and (2) a four-year demonstration program to foster the development of programs to train and place women in nontraditional jobs.

The NEW Act requires states and service delivery areas to set goals for training and placing women in fields traditionally dominated by men, and to report on results. State Job Training Coordinating Councils are directed to review the planning and reporting activities of governors and service delivery areas, to make recommendations for future activities, and to disseminate information on successful approaches to training and placing women in nontraditional fields of employment.

The legislation directs governors and State Job Training Coordinating Councils to coordinate between the Job Training Partnership Act and the Carl D. Perkins Vocational Education Act with respect to efforts to train and place women in nontraditional employment.

The NEW Act establishes a four-year demonstration program to assist in the training and placement of women in nontraditional employment. The Secretary of Labor is directed to make grants totalling $1.5 million annually out of existing funds, with funds going to not more than six states per year. Governors may then use the funds to (1) award grants to service providers to train women for nontraditional employment, (2) award grants to service delivery areas that plan and demonstrate the ability to prepare women for nontraditional employment, and (3) award grants to service delivery areas on the basis of exceptional performance in training, placing, and retaining women in nontraditional employment.

The Secretary of Labor is directed to report to Congress on the efforts made at the federal, State, and, local levels to train, place; and retain women in nontraditional fields of employment, together with recommendations for legislative and administrative changes necessary to increase nontraditional training opportunities for women under JTPA.

The actual goals set by individual States and service delivery areas are at the discretion of those entities. The fact that the NEW Act encourages States and localities to include more women in certain types of job training programs reflects an aim to increase training opportunties and awareness of opportunities for women in nontraditional fields of work, not to eliminate unfairly opportunities for men.

III. Background and Need for Legislation

The Job Training Partnership Act (JTPA) provides for job training and other supportive services to economically disadvantaged individuals. A fundamental goal of the Act is to equip unskilled individuals with the ability to obtain and retain employment and to attain economic self-sufficiency. The Job Training Partnership Act is a cornerstone of federal efforts to maintain a skilled and productive workforce and reduce long-term welfare dependency.

Women comprise a majority of the eligible participants in Job Training Partnership Act programs because they are a disproportionate share of the economically disadvantaged population. Sixty-two percent of all Americans age 15 and over who have incomes below the poverty level are women. The poverty rate for families maintained by single women is a staggering 35 percent-nearly six times the poverty rate for married couple families. Although female-headed families comprise only 16 percent of all families, they represent more than half of America's families in poverty. (See, U.S. Department of Commerce, Bureau of the Census, "Poverty in the United States, 1986," Current Population Reports, Series P-60, No. 160). Clearly, these economically disadvantaged women stand to benefit tremendously from the services provided under JTPA.

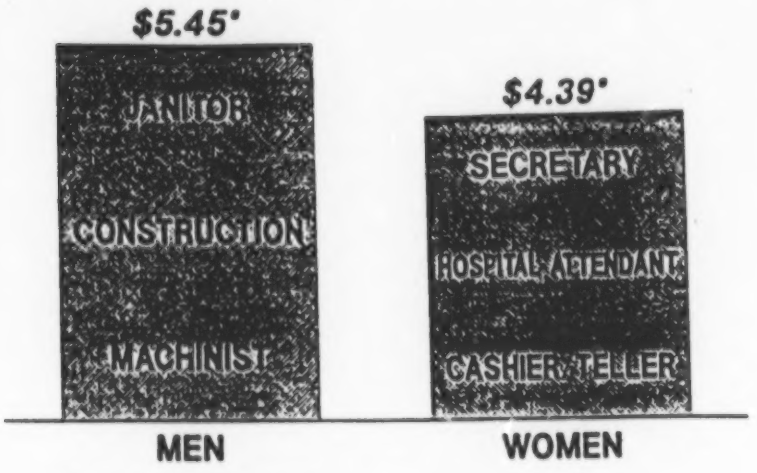
But securing employment does not necessarily lead to economic self-sufficiency. In 1988, the Senate Budget Committee found that 43 percent of women in the labor force were employed in jobs that pay below poverty level wages—for a family of four. ("Wages of American Workers in the 1980s", Commitee Print, 100th Cong. 2d Sess., S. Prt. 100-124, p. 4). The long-term economic stability and

self-sufficiency of women is served by providing them access to occupations with good wages, benefits, and long-term economic potential. Jobs traditionally held by men (e.g., welding, electronics, truck driving) often provide better wages, benefits, and advancement opportunities than jobs traditionally held by women (e.g., clerical work, data entry, retail sales). Overall, women earn only 65 percent of what men earn. This persistent wage gap has remained virtually unchanged for the past 30 years despite federal laws requiring equal opportunity in the workplace. One of the reasons for the wage gap is that men and women work at very different jobs. Occupational segregation of the sexes is very much a reality in the American workplace.

Increasing opportunities for women in traditionally-male fields of work is a clear way to improve the economic self-sufficiency of working women. The Job Training Partnership Act presents an opportunity to prepare women for careers in better-paying occupations and thus avoid long-term welfare dependency. Yet women seeking assistance under JTPA are clustered in training programs for traditionally female occupations. Many of these occupations are in low-wage fields with limited advancement potential.

Studies have shown that JTPA training in traditionally female fields of work often results in substantially lower wages upon job placement than does training for traditionally male occupations. As an example, a study conducted by the State of Wisconsin's Department of Labor, Industry, and Human Relations found that the top three job placements for men participating in JTPA training in 1986 were janitor, construction worker, and machinist. These jobs had an average hourly wage at placement of $5.45. The top three job placement occupations for women were secretary, hospital attendant, and cashier/teller. The average hourly wage at placement for these jobs was $4.39 per hour, or 80 percent of the men's hourly wage. (Wisconsin Department of Industry, Labor and Human Relations, Division of Employment and Training Policy, internal memorandum updating results of 1988 study on "Services to Women in Wisconsin's Major Employment and Training Programs").

JTPA Case Study 1: Lower-Paying Entry Level Jobs for Women

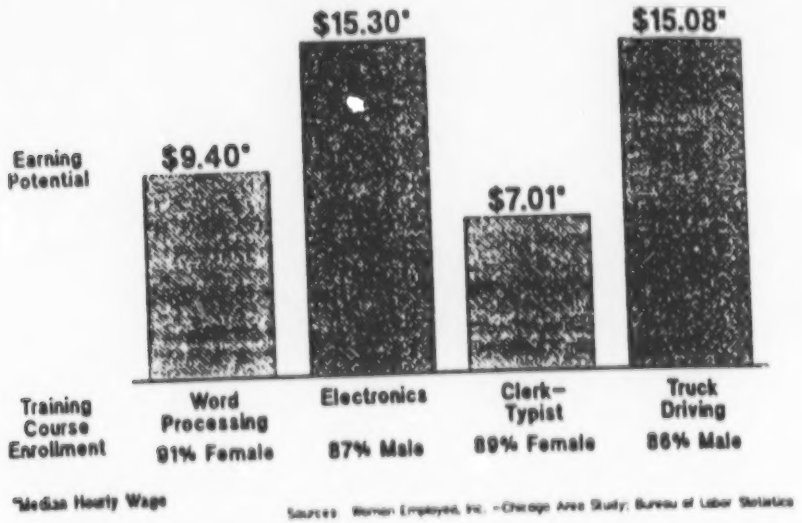


*Average Wage at Placement

Source: Wisconsin Dept. of Industry, Labor and Human Relations

The difference in earnings between male-dominated occupations and female-dominated occupations becomes even more dramatic over the long-term. For example, in Chicago in 1985, 91 percent of the participants in word-processing courses under JTPA were female; 87 percent of the participants in electronics courses were male. The median hourly wage for word processing operators in the Chicago area is $9.40 per hour, while the corresponding wage for electronics technicans is $15.30 per hour—almost $6 higher. Likewise, 89 percent of the enrollees in clerk-typist courses were female; 86 percent of participants in truck driving courses were male. The median hourly wage for typists in Chicago is $7.01, but truck drivers—earn more than double—$15.08 per hour. ("Women's Vocational Education and Job Training: Barriers to Women's Participation in Nontraditional Training Programs", Women Employed Institute, Chicago, IL, March 1987; U.S. Department of Labor, Bureau of Labor Statistics, Area Wage Survey, Chicago, IL Metropolitan area July 1988 (Bulletin 3045-26)).

JTPA Case Study 2: Women Trained for Low–Paying Careers



Comprehensive national data on the extent of sex segregation in JTPA programs has not been collected. However, the Committee heard testimony from both the Department of Labor about the lack of attention given to bringing more women into nontraditional jobs, and from Wider Opportunities for Women, Inc., a women's employment organization, about the prevalence of sex segregation in JTPA training. The Department of Labor brought to the Committee's attention a 1986 study of JTPA services to women. That report showed that only one of 25 service delivery areas surveyed considered nontraditional training for women to be a priority . (Solow, Katherine, with Walker, Gary, "The Job Training Partnership Act Service to Women", 1986).

Cynthia Marano, Executive Director of Wider Opportunities for Women, Inc., summarized current JTPA practices as follows:

> JTPA serves more female than male trainees, it is true. Outcomes, training assignments, and occupational targeting are, however, less advantageous for women. Under JTPA, the majority of women participants continue to be placed in short-term classroom training leading to jobs in the traditionally female clerical and service sectors, which result in lower wages. A state study conducted in 1986 by the Wisconsin Department of Industry, Labor and Human Relations found that "Women who are placed in jobs tend to be placed in traditionally female jobs, while men tend to be placed in traditionally male jobs." These findings were closely echoed by state studies of Maryland, Indiana, and the District of Columbia.

(Written testimony of Cynthia Marano, prepared for hearing on the Nontraditional Employment for Women Act, Senate Committee on Labor and Human Resources, 101st Cong., 1st Session, June 8, 1989, at p. 9)

Employment in traditionally male fields of work offers clear benefits to women in terms of enhanced wages, benefits, and advantage potential. Many women working in nontraditional fields also enjoy an improved self-esteem in addition to economic self-sufficiency. In the 101st Congress, the Committee heard testimony from two women who participated in JTPA programs for nontraditional fields of work. These women spoke of the many benefits of working in traditionally male fields. Rossane Carson, an electrician from Hopelawn, New Jersey, and a single mother of two daughters, testified that prior to enrolling in an electrician's training program:

> I can say that I lived day to day without much hope for a better future * * * I was sure of one thing. I did not want to repeat the last eight years of financial struggle. The turning point occurred when I found out about a [program] that promoted opportunities for women to pursue higher paying jobs in the trades * * * When I began working [as an electrician] I was earning $6 an hour. I am proud to say that upon completion of my apprenticeship I am now earning more than $15 an hour. My benefits include Blue Cross/Blue Shield, major medical, dental, eye-glasses, and a pension plan.

(Transcript of hearing on the Nontraditional Employment for Women Act, pp. 6-9) (hereinafter "NEW Tr.")

The second JTPA participant at the Labor Committee hearing, Desta Daggett, told the Committee of her childhood as one of four children in a welfare-dependent family. Ms. Daggett was determined to break out of the welfare cycle. She enrolled at Howard University with the hope of becoming an engineer, and was devastated when she had to drop out of Howard University for financial reasons. Ms. Daggett enrolled in a JTPA training program in electomechanics, and obtained a job as a repair technician, earning $13,000 per year. Five years later, she earns $30,000 and is entirely self-supporting. Ms. Daggett conveyed her optimism to the Committee: "For me, the future is filled with potential * * * My goal is to move into technical marketing or engineering. My financial independence and personal security are now solid." (NEW Tr. at 12-15)

Ms. Daggett also pointed out the benefit to employers of increasing the pool of skilled, trained women for technical jobs.

> There are many vacancies right now that are not filled and are just waiting for women who are qualified * * * [My employer] cannot just find women on the street and say, "I understand you are a bank teller or you are a typist now, but you could be a technician". If they are not prepared, the chances are they will not last in the field.

(NEW Tr. at 17,19). Ms. Daggett's views were strongly supported by Clark Street, Executive Vice President of the Ohio Contractors Association. Mr. Street spoke emphatically of the need to bring more women into the construction trades:

> Our goal for women's participation in the construction work force in Ohio is 6.9 percent in each craft utilized in the contractor's work force. There are not sufficient numbers of

> women in construction today to enable a contractor to come close to reaching this goal. There is a need for women employees * * * In addition to the obvious fact that [women] should have the opportunity to participate in higher paying, nontraditional areas, there is another strong reason for improving opportunities for women. They will make up a larger percentage of the work force in the years ahead, providing an untapped potential for development of skilled employees.

(NEW Tr. at 42)

Plainly, there are benefits to be had for women, employers, and federal, state and local governments if JTPA programs can succeed in training and placing more women in nontraditional employment. There is already language in JTPA encouraging states and service delivery areas "to develop programs which contribute to occupational development, upward mobility, development of new careers, and overcoming sex-stereotyping in occupations traditional for the other sex" (29 U.S.C. 1551(d)(2)). Yet despite this language, serious efforts have not been made. As previously discussed, women participating in JTPA programs generally are trained for traditionally female fields of work. Few states or localities have funded or implemented special efforts to train and place women in nontraditional occupations.

Nontraditional training efforts for women have suffered to some extent because states and service delivery areas emphasize cost factors in their training programs. Cynthia Marano, Executive Director of Wider Opportunities for Women, Inc., administered a JTPA training program for women in electromechanics. Ms. Marano testified before the Labor Committee that "[t]raining low-income women for nontraditional jobs tends to take longer, cost more, and require a more aggressive placement process". (Statement of Cynthia Marano, p. 10) She pointed to unfamiliarity with tools and basic technology required in the field, unfamiliarity with a nontraditional work environment, and preparation for testing as factors contributing to the cost differential. In addition, women participating in JTPA training programs often have a greater need for supportive services, particularly child care and transportation costs. (NEW Tr. at 56). Women seeking employment in nontraditional careers also must overcome cultural stereotypes about what constitutes "men's" and "women's" work.

The Committee is cognizant of current legislative efforts to rework JTPA in order to modify some of the cost incentive factors that have influenced training programs, often at the expense of the quality of training. The Committee is hopeful that these efforts may increase the willingness of states and service delivery areas to initiate nontraditional training programs for women. Yet the clear absence of such efforts in the seven-year history of JTPA indicates that additional direction is necessary if we are to bring about more state and local efforts to provide nontraditional training opportunities for women.

Attempts also have been made at the national level to stimulate the development of nontraditional training programs for women. But these efforts have been sporadic and insufficient. The Committee recognizes and appreciates the willingness of the Department of Labor to include nontraditional training for women as a piece of its

national program under Title IV of the Job Training Partnership Act. Still, of some $49 million in national monies available in fiscal year 1989, only approximately $260,000 was earmarked specifically for bringing women into nontraditional jobs. No comprehensive effort has been undertaken thus far to encourage the development of programs for women nationwide. No initiatives have been attempted to distribute information on existing programs. The Committee recognizes that national funds are limited. But the Committee believes that additional efforts in this area are sorely needed.

The NEW Act will help bring about more opportunities for women to enter nontraditional occupations by, for the first time, requiring states and service delivery areas to set goals in this annual job training plans for training and placing women in nontraditional jobs. Witnesses at the Labor Committee hearing, including the Department of Labor, the National Governors' Association, the National Alliance of Business, and Wider Opportunities for Women, testified that the goal-setting requirements should bring about substantially more nontraditional training activities.

The NEW Act requires state job training coordinating councils (SJTCCs) to review the activities of states and localities, and to distribute information on successful approaches to preparing women for nontraditional occupations. Additionally, SJTCCs are directed to offer technical assistance to service delivery areas unable to develop nontraditional training programs. The Department of Labor in particular, has emphasized that such SJTCC involvement also will yield positive outcomes.

The NEW Act requires states to coordinate nontraditional training efforts between JTPA and the Carl D. Perkins Vocational and Applied Technology Education Act. Federal job training dollars are scarce, and coordination of existing resources is therefore essential. The NEW Act requires SJTCCs to consult with the sex equity coordinators established under the Perkins Act in order to coordinate efforts under the two programs. The Committee appreciates the comments of the National Governors Association, the National Alliance of Business, and other organizations to the effect that this is a constructive, and not overly prescriptive, provision.

Finally, the NEW Act establishes a four-year, $6 million demonstration program to facilitate the development and replication of programs to prepare women for nontraditional careers. Under the demonstration program, grants will be given to up to six states per year to fund existing programs and assist in the development of new programs. The demonstration program will, for the first time, provide a framework for the development of programs, the coordinated dissemination of information, and the replication and institutionalization of models for nontraditional training. The demonstration program allows states to utilize two different approaches in seeking to increase nontraditional training opportunities. First, states may award grants to existing service providers to prepare women for nontraditional employment. Second, states may award grants to service delivery areas that seek to initiate nontraditional training efforts, or that demonstrate exceptional performance in preparing women for nontraditional employment. With this two-pronged approach, the demonstration program will yield both immediate results in terms of increased numbers of women being pre-

pared for nontraditional employment, and longer-term results in replicating and developing additional programs that become part of the service delivery system. The Secretary of Labor will evaluate the success of the NEW Act in integrating nontraditional training for women into overall Job Training Partnership Act activities.

The NEW Act also addresses concerns that the bill will unfairly exclude men who are otherwise eligible for the same training programs. The bill makes clear that its aim is to increase training opportunities and the awareness of opportunities for women in nontraditional fields of work, not to eliminate unfairly opportunities for men.

The NEW Act addresses the pressing need to provide more women with opportunities in nontraditional occupations. The Committee wholeheartedly agrees with the National Governors' Association that "[t]his is an investment opportunity that is going to pay off in dividends that overshadow by a long shot whatever initial costs there may be. (NEW Tr. at 60). The Committee emphasizes that the goal of the legislation is to increase opportunities and to expand available career choices for women participating in JTPA programs. There will continue to be women who prefer traditional jobs and who will use JTPA resources to embark on traditionally female careers. The Committee in no way intends to disparage such pursuits. But the Committee believes that given the choice, a large number of women for the first time will choose to enter programs that prepare them for generally better-paying, nontraditional jobs.

IV. History of the Legislation

S. 367, a bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes, was introduced on February 6, 1991 by Senators Metzenbaum and Hatch, along with Senators Kennedy, Kassebaum, Pell, Adams, Simon, Mikulski, and Bingaman. The bill was referred to the Committee on Labor and Human Resources. The legislation was considered at an executive session of the Labor and Human Resources Committee on February 20, 1991. The original bill was ordered reported by the Committee on Labor and Human Resources on February 20, 1991.

V. Hearings

A public hearing was conducted by the Committee on Labor and Human Resources in Washington, DC on June 8, 1989, to review S. 975, the Nontraditional Employment for Women Act. That bill, a predecessor to S. 367, was virtually identical to this bill. The following individuals presented testimony at the 1989 hearing:

Patricia McNeil, Administrator, Office of Strategic Planning and Policy Development, Employment and Training Administration, U.S. Department of Labor, Washington, DC;

Rosanne Carson, Electrician, Hopelawn, New Jersey;

Desta Daggett, Repair Technician, Washington, DC;

Cynthia Marano, Executive Director, Wider Opportunities for Women, Inc., Washington, DC;

Clark Street, Executive Vice President, Ohio Contractors Association, Columbus, Ohio;

Alicia Pelrine, Human Resources Group Director, National Governors' Association, Washington, DC;

Esther Shaeffer, Senior Vice President for Policy, National Alliance of Business, Washington, DC.

Public hearings also were conducted by the Subcommittee on Labor in Washington, DC on November 17, 1987, to examine the problems facing women who seek jobs in fields traditionally dominated by men, particularly in construction and high technology. The following individuals presented testimony:

Portia Davis, carpenter, Chillicothe, Ohio;

Toni Cousett, construction laborer, Cleveland, Ohio;

Wendy Johnson, Executive Director, Southeast Women's Employment Coalition;

Barbara Scott, field service engineer, Melrose, Massachusetts;

Sherri Davis; technician, Boston, Massachusetts;

Sharyn Bahn, Executive Director, Women's Technical Institute, Boston, Massachusetts;

Jill Feblowitz, Representative, Local 103, International Brotherhood of Electrical Workers, Boston, Massachusetts;

Cynthia Marano, Executive Director, Wider Opportunities for Women, Inc., Washington, DC;

Derrel De Passe, Director, Governmental and Community Affairs, Varinan Associated, Palo Alto, California, on behalf of American Electronic Association;

Amparo B. Bouchey, Director, Office of Small and Disadvantaged Business Utilization, U.S. Department of Transportation;

Shirley Dennis, Director, Women's Bureau, U.S. Department of Labor.

VI. Committee Views

This legislation builds upon the existing Job Training Partnership Act framework to increase efforts to prepare women for nontraditional employment. The legislation requires states and service delivery areas to include goals in their job training plans for training and placing women in nontraditional occupations. State job training coordinating councils are directed to review the activities of states and localities, to distribute information on successful approaches, and to provide technical assistance to areas that are unable to develop programs. The legislation provides for coordination between activities carried out under JTPA and the Carl D. Perkins Vocational and Applied Technology Education Act. Finally, the NEW Act establishes a four-year, $6 million demonstration program to facilitate the development and replication of programs to prepare women for nontraditional employment.

DEFINITION OF NONTRADITIONAL EMPLOYMENT

The legislation defines "nontraditional employment" as occupations or fields of work where women comprise less than 25 percent of the individuals employed in such occupation or field of work. The Committee directs states and localities applying this definition to utilize national data provided by the U.S. Bureau of Labor Sta-

tistics in order to identify nontraditional occupations. The Committee further expects that to the extent possible, States and service delivery areas shall select growth occupations that offer participants increased wage potential.

SERVICE DELIVERY AREA JOB TRAINING PLANS

Section 4 of the legislation states that service delivery areas shall include in their job training plans goals for training women in nontraditional employment and goals for the training-related placement of women in nontraditional employment and apprenticeships. The section further provides that plans should include a description of efforts the service delivery area will undertake to accomplish the goals, including efforts to increase awareness of the training and placement opportunities.

The Committee is advised that not all states and service delivery areas consider placements in apprenticeships as positive placements for the purpose of determining their overall placement rate. However, it is the view of the Committee that apprenticeships are a prime source for women to obtain additional training leading to long-term employment in nontraditional occupations. Thus, the Committee expects that service delivery areas will seek out and consider apprenticeship opportunities when formulating goals and reporting on results.

The Committee is aware that in many instances, JTPA participants are placed in fields of employment unrelated to the occupation in which they received JTPA training. By requiring separate goals to be set for job placements that are related to training, the Committee hopes to discourage the placement of nontraditional training participants in traditional jobs, and to encourage service delivery areas and service providers to seek training-related job placements for participants. The Committee recognizes that individual participants may find, at the conclusion of a training course, that they would prefer placement in a traditional occupation or an occupation unrelated to their training, and the Committee intends in no way to limit individual choice in that regard.

Testimony before the Labor Committee revealed that in many instances, women are not aware that nontraditional training opportunities are available. By requiring service delivery areas to specify efforts to publicize such opportunities, the legislation will increase overall awareness of training options and aid service delivery areas in recruiting women for nontraditional training.

Section 4 of the legislation further requires service delivery areas to report on the extent to which the SDA has met its goals for training and training-related placement, and to provide a statistical profile of women who participate in nontraditional training programs. The Committee intends this information to be utilized by states, service delivery areas, and others to evaluate the degree of success in nontraditional training programs and the effectiveness of various approaches, and to identify developing trends in nontraditional training and placement.

Finally, the Committee notes that the actual numerical goals are at the discretion of the service delivery area, and that SDAs have discretion to set a wide range of goals. The Committee recognizes

that some SDAs may elect to set minimal goals in order to ensure that the goals are met. The Committee hopes and intends that SDAs will set reasonably ambitious goals, based upon available resources and expertise. The purpose of the legislation is to encourage additional nontraditional training activity, not to lead service delivery areas into playing a numbers game.

GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN

Section 5 of the legislation requires governors, in their coordination and special services plans, to identify goals similar to those required of service delivery areas in section 4. Governors have the additional responsibility of identifying nontraditional training efforts to be conducted with Carl D. Perkins Vocational and Applied Technology Education Act funds and other sources of federal and state support. Such sources could include grants under the JOBS program established by the Family Support Act of 1988, federal or state apprenticeship grants, state training and education funds, or a range of other sources. The Committee intends that governors should specify nontraditional training activities to be conducted with the full range of Perkins Act funds, and not just the funds set aside for sex equity programs and for services to single parents. Governors also must specify efforts to coordinate activities provided pursuant to JTPA and the Perkins Act. As noted previously, federal job training funds are limited, and the Committee hopes that governors will carefully review ways in which to coordinate available funds in order to maximize effectiveness. Again, the Committee intends that governors should consider the full range of Perkins Act funds in coordinating nontraditional training efforts under JTPA and the Perkins Act.

STATE JOB TRAINING COORDINATING COUNCIL

Section 6 of the legislation details resonsibilities of state job training coordinating councils (SJTCCs) in reviewing the activities of service delivery areas and governors under the Act. The Committee reiterates that SJTCCs, in meeting their responsibility to consult with the sex equity coordinator established under the Perkins Act, should consider activities conducted under the full range of Perkins Act funds.

The Committee expects that the information and technical assistance provided by SJTCCs will be of great assistance to service delivery areas and service providers in developing successful programs to prepare women for nontraditional employment. The Committee further expects that the information will be useful to the Department of Labor in its ongoing evaluation of JTPA programs. The Committee is hopeful that the Department of Labor will choose to incorporate information on nontraditional employment in its evaluations and reports on services under JTPA.

STATE EDUCATION COORDINATION AND GRANTS

Under current law, governors may reserve up to 8 percent of the state's JTPA allotment for grants to state educational agencies for coordinated education and training activities. In some states, these funds have been used to provide training to women seeking nontra-

ditional employment. Section 7 of the legislation explicitly adds as an allowable coordination activity, "statewide coordinated approaches, including model programs, to train, place, and retain women in nontraditional employment."

The Committee recognizes current legislative efforts to modify or replace the 8 percent education set-aside with an alternative approach to education and training coordination. The Committee is hopeful that, should the 8 percent set-aside be eliminated or modified, Governors will continue to consider using available funds to prepare women for nontraditional employment.

USE OF FUNDS

Section 8 of the legislation adds as an allowable JTPA service outreach activities and retention services to encourage the training, placement, and retention of women in nontraditional employment. The Committee again notes the testimony of witnesses to the effect that many women are unaware of the existence of nontraditional training opportunities. The Committee is sensitive to the fact that nontraditional work environments may be foreign to many women, and that retention services may be needed more by women in nontraditional work than by other JTPA participants. The Committee expects that service delivery areas and service providers will respond accordingly to the needs of participants.

DEMONSTRATION PROGRAMS

Section 9 of the legislation estabishes a four-year, $6 million demonstration program to foster the development and replication of programs to train and place women in nontraditional employment. Funds for the demonstration program are drawn from existing appropriations for national activities under JTPA (Title IV, Part D).

The Committee is aware that the Department of Labor currently funds a number of training and research projects aimed at encouraging nontraditional employment for women. Current activities amount to only a small fraction of available resources for national activities. The Committee intends that the four-year demonstration program authorized by the legislation should supplement, and in no way supplant, existing efforts by the Department of Labor to prepare women for nontraditional employment. The goal of the demonstration program is to assist in finding the development of programs to train women for nontraditional employment, in an effort to integrate these activities into the ongoing JTPA system. The proposed demonstration program is not a substitute for the Department's research and training efforts.

The demonstration program limits grants to 6 per year. The Committee's interest in limiting the number of grants is to ensure that grant recipients receive adequate funds to accomplish a noticeable and measurable increase in nontraditional training activity.

The legislation outlines various factors to be considered by the Secretary of Labor in awarding demonstration grants. The Committee believes that the listed factors are indicators of the extent to which states will successfully replicate and institutionalize training programs developed under the legislation. The Committee notes

that the Secretary is instructed to consider the extend to which the initiatives proposed by a State supplement or build upon existing efforts in a State to train and place women in nontraditional employment. The Committee intends that governors should use grant awards to build upon, and not replace, current nontraditional training activities.

Governors have discretion under the demonstration program to award funds directly to service providers to conduct nontraditional training. The Committee expects that providers receiving money under the demonstration program will include current nontraditional training programs, local branches of national training programs, community based organizations, educational institutions, and other service providers. The legislation requires that the service provider have demonstrated success at occupational skills training.

Governors also may provide grants to service delivery areas that plan and demonstrate the ability to train, place and retain women in nontraditional employment. Grant funds also may be given to service delivery areas on the basis of exceptional performance in preparing women for nontraditional employment.

The Committee does not favor one grant approach over another. Indeed, a state can apply for grants that would fund service providers to achieve more nontraditional training up front, and at the same time fund service delivery areas to integrate localized nontraditional training for women as part of its overall plan. The Committee believes that governors are in the best position to determine the combination of approaches that will be most successful in developing and replicating nontraditional training programs.

The legislation specifies that to the extent possible, grants should be used to train, place, and women in growth occupations with increased wage potential. The ultimate objective of the Act is to improve potential and long-term self-sufficiency for women. It hardly needs stating that employment in growth industries with positive wage potential provides the basis for that self-sufficiency.

REPORT AND RECOMMENDATIONS

Section 10 of the legislation directs the Secretary of Labor to report to Congress on nontraditional training activities conducted as a result of the Act. The Committee expects that the report will be useful in evaluating the effectiveness of the legislation and in determining what, if any, additional efforts are needed to improve opportunities for women in nontraditional employment through JTPA.

DISCRIMINATION

Section 11 of the legislation makes clear that nothing in the NEW Act is to be construed to mean that Congress is taking a position on the issue of comparable worth.

The Committee is aware that although the NEW Act encourages States and localities to include more women in certain types of job training programs, it may raise concerns that the bill will unfairly exclude men who are otherwise eligible for the same training programs. The Committee wishes to make clear that the bill aims to

increase training opportunities and awareness of opportunities for women in nontraditional fields of work, not to eliminate unfairly opportunities for men. Accordingly, the legislation states that failure to meet the goals set by individual states or service delivery areas shall not itself constitute a violation of Title VII or any other federal law prohibiting employment discrimination. In addition, the bill makes clear that section 167(a)(2) of the Job Training Partnership Act (29 U.S.C. 1577(a)(2)), which prohibits the service delivery areas or contractees from excluding individuals from a program merely because of their sex, remains applicable law.

VII. Votes in Committee

S. 367 was considered at an executive session of the Labor and Human Resources Committee on February 20, 1991. The original bill was ordered reported by a unanimous (17-0) roll call vote by the Committee on Labor and Human Resources on February 20, 1991.

VIII. Cost Estimate

U.S. Congress,
Congressional Budget Office,
Washington, DC, April 9, 1991.

Hon. Edward M. Kennedy,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, DC 20510.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 367, as ordered reported by the Senate Committee on Labor and Human Resources on February 20, 1991. CBO estimates that enactment of S. 367 would not affect the size of the federal budget and would not have any pay-as-you-go implications under section 252 of the Budget Enforcement Act of 1990. The budgets of state and local governments would not be affected by enactment of this bill.

S. 367 would establish a demonstration program designed to train and place women in nontraditional employment. The program would fall under Part D, National Activities, of Title IV of the Job Training Partnership Act. These activities are funded from a percentage of total program funding. The bill would permit $1.5 million annually of the National Activities funds to be spent on this demonstration program in each of the next four years. The bill states that up to 6 grants may be awarded in each fiscal year. Also, the bill also allows up to 10 percent of the funds to be used for administration costs. The CBO baseline includes $71 million in 1992, rising to $84 million by 1996 for National Activities. The $1.5 million authorized by S. 367 would be available from these funds. The demonstration program is similar in design to projects and activities currently carried out under Part D of the Job Training Partnership Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Cory Oltman (226-2820).

Sincerely,

Robert D. Reischauer, *Director.*

IX. Regulatory Impact Statement

In accordance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the following statement of the regulatory impact of S. 367 is made:

A. ESTIMATED NUMBER OF INDIVIDUALS AND BUSINESSES REGULATED AND THEIR GROUPS OR CLASSIFICATIONS

The legislation will not impose any regulations on individuals or businesses.

B. ECONOMIC IMPACT ON THE INDIVIDUALS, CONSUMERS, AND BUSINESSES AFFECTED

The Committee believes that the legislation will not have a significant economic impact on consumers or businesses. The purpose of the legislation is to expand efforts to train and place women in occupations traditionally held by men. To the extent that women obtain jobs in these higher-paying fields, individual women may experience a positive economic impact from enactment of the legislation. However, it is not possible to estimate the possible extent of such an impact.

C. IMPACT OF THE ACT ON PERSONAL PRIVACY

The legislation does not have any personal privacy implications.

D. ADDITIONAL PAPERWORK, TIME, AND COSTS

S. 367 may result in some additional paperwork, time, and costs due to the goal-setting and reporting requirements contained in the legislation. However, for the most part, the legislation builds upon existing reporting requirements. The Committee does not expect that any additional paperwork, time, or costs brought about by enactment of the legislation will be substantial.

X. Section-by-Section Analysis

Section 1. Short Title

NONTRADITIONAL EMPLOYMENT FOR WOMEN ACT

Section 2. Findings and Purpose

The findings outline the need for greater efforts to increase nontraditional training opportunities for women. The purposes are: to encourage efforts at the Federal, State, and local level to train women in nontraditional fields; to provide incentives to establish programs that will train and place women in nontraditional fields; and to facilitate coordination between the Job Training Partnership Act ("JTPA") and the Carl D. Perkins Vocational and Applied Technology Education Act ("the Perkins Act"), to maximize the effectiveness of available resources.

Section 3. Definition.

Nontraditional employment as applied to women is defined as occupations or fields of work where women comprise less than 25 per-

cent of the individuals employed in such occupation or field of work.

Section 4. Service delivery area job training plan

(1) Section 104(b) of the Job Training Partnership Act is amended to require that the job training plan submitted by each service delivery area (SDA) must include goals for the training and placement of women in nontraditional jobs and a description of efforts to be undertaken to accomplish the goals. The plan also must discuss what efforts will be made to improve outreach and increase awareness of nontraditional opportunities for women.

(2) Section 104(b) is further amended to require that service delivery areas include in their annual report to the governor a section on the extent to which the SDA met its goals for the training and placement of women in nontraditional employment. The report must include training and placement information on women who participate in training for nontraditional fields.

Section 5. Governor's coordination and special services plan

Section 121 of JTPA is amended to specify that the Governor's plan must include goals for the training and placement of women in nontraditional fields, and a description of efforts to be undertaken to achieve the goals, including efforts to coordinate activities offered through JTPA and the Perkins Act.

Section 121(c) of JTPA is amended to authorize governors to expend funds for special programs designed to encourage the recruitment of women for training, placement, and retention in nontraditional fields.

Section 6. State Job Training Coordinating Council

Section 121(b) of JTPA is amended to require the State Job Training Coordinating Council (SJTCC) to review the reports made by SDAs under section 104 (as required by the legislation), and to recommend technical assistance and corrective action based on the reports. The SJTCC is directed to compile and distribute a summary of the SDA reports to assist in program improvement. The SJTCC is rquired to review and report on the activities of the Governor to train and place women in nontraditional fields. Finally, the SJTCC is directed to consult with the sex equity coordinator established under the Perkins Act, and to obtain and distribute information on nontraditional training activities conducted under the Perkins Act.

Section 7. State education coordination and grants

Section 123 of JTPA is amended to allow expenditures for statewide activities (including model programs) to train, place and retain women in nontraditional employment.

Section 8. Use of funds

Section 204 of JTPA is amended to allow expenditures for outreach to encourage women's participation in training for nontraditional fields, and to aid in retention of women in nontraditional employment.

Section 9. Demonstration programs

A new section is added at the end of Part D (National Programs) to establish a four-year demonstration program to aid in the development of programs to train and place women in nontraditional employment. The Secretary of Labor is directed to make grants totalling $1.5 million annually to not more than six states per year. States may then use the funds to (1) award grants to service providers to train women for nontraditional employment; (2) award grants to service delivery areas that plan and demonstrate the ability to prepare women for nontraditional employment; and (3) award grants to service delivery areas on the basis of exceptional performance in training, placing, and retaining women in nontraditional employment. The bill lists several factors to be considered by the Secretary in awarding grants, including the ability of states to assist in replicating successful programs. States are directed to ensure that grants are awarded for training, placing, and retaining women in growth occupations with increased wage potential.

Section 10. Evaluation

Five years after the effective date of the Act, the Secretary of Labor shall report to Congress on the efforts made at the federal, State, and local levels to train, place, and retain women in nontraditional fields of employment. The report shall include recommendations as to legislative and administrative changes necessary to increase nontraditional training opportunities for women under JTPA.

Section 11. Discrimination

Nothing in the Act is to be construed to mean that Congress is taking a position on the issue of comparable worth. Nor should anything in the Act be construed to require, sanction, or authorize discrimination in violation of Title VII or any other federal law prohibiting discrimination in the workplace. In addition, no individual shall be excluded from a program under this Act because of their sex or indeed because of any other protected classification. Finally, failure to meet the goals set by individual states or service delivery areas shall not constitute violation of Title VII or any other federal law prohibiting employment discrimination.

Section 12. Effective date

The Act shall take effect upon enactment, except that the planning and reporting requirements apply to the plan or report filed or reviewed for program years beginning on or after July 1, 1992.

XI. Changes in Existing Law

CHAPTER 19—JOB TRAINING PARTNERSHIP

1501. Congressional declaration of purpose.
1502. Authorization of appropriations.
1503. Definitions.

(1–29) * * *

(30) The term "nontraditional employment" as applied to women refers to occupations or fields of work where women comprise less

than 25 percent of the individuals employed in such occupation or field of work.

Subchapter 1—Part A—Service Delivery System

§§ 1511–1515 * * *

§ 1514. Job training plan

(a) No funds appropriated for any year may be provided to any service delivery area under this Act except pursuant to a job training plan for two program years which is prepared in accordance with section 103 [29 USCS § 1513] and which meets the requirements of this section.

(b) Each job training plan shall contain—

(1) identification of the entity or entities which will administer the program and be the grant receipient of funds from the State;

(2) a description of the services to be provided, including the estimated duration of service and the estimated training cost per participant;

(3) procedures for identifying and selecting participants and for eligibility determination and verification;

(4) performance goals established in accordance with standards prescribed under section 106 [29 USCS § 1516];

(5) goals for—

(A) the training of women in nontraditional employment; and

(B) the training-related placement of women in nontraditional employment and apprenticeships; and a description of effort to be undertaken to accomplish such goals, including efforts to increase awareness of such training and placement opportunities;

(6) procedures, consistent with section 107 [29 USCS § 1517], for selecting service providers which take into account past performance in job training or related activities, fiscal accountability, and ability to meet performance standards;

(7) the budget for two programs years and any proposed expenditures for the succeeding two program years, in such detail as is determined necessary by the entity selected to prepare this portion of the plan pursuant to section 103(b)(1)(B) [29 USCS § 513(b)(1)(B)]; and to meet the requirements of section 108 [29 USCS § 1518];

(8) description of the procedures and methods of carrying out title V [29 USCS § 1791 et seq.], relating to incentive bonus payments for the placement of individuals eligible under such title [29 USCS § 1791 et seq.];

(9) a description of methods of complying with the coordination criteria contained in the Governor's coordination and special services plan;

(10) if there is more than one service delivery area in a single labor market area, provisions for coordination of particular aspects of individual service delivery area programs, including:

(A) assessments of needs and problems in the labor market that form the basis for program planning;

(B) provisions for ensuring access by program participants in each service delivery area to skills training and employment opportunities throughout the entire labor market; and

(C) coordinated or joint implementation of job development, placement, and other employer outreach activities;

(11) fiscal control, accounting, audit and debt collection procedures to assure the proper disbursal of, and accounting for, funds received under this title; and

(12) procedures for the preparation and submission of an annual report to the Governor which shall include—

(A) a description of activities conducted during the program year;

(B) characteristics of participants;

(C) the extent to which the activities exceeded or failed to meet relevant performance standards;

(D) the extent to which the service delivery area has met its goals for the training and training-related placement of women in nontraditional employment and apprenticeships; and

(E) a statistical breakdown of women trained and placed in nontraditional occupations, including—

(i) the type of training received, by occupation;

(ii) whether the participant was placed in a job or apprenticeship, and, if so, the occupation and the wage at placement;

(iii) the participant's age;

(iv) the participant's race; and

(v) information on retention of the participant in nontraditional employment.

(§ 1515–§ 1530)

PART B—ADDITIONAL STATE RESPONSIBILITIES

§ 1531. Governor's coordination and special services plan

(a)(1) The Governor shall annually prepare a statement of goals and objectives for job training and placement programs within the State to assist in the preparation of the plans required under section 104 of this Act [29 USCS § 1415] and section 8 of the Act of June 6, 1933 (known as the Wagner-Peyser Act [29 USCS § 49g]).

(2) Any State seeking financial assistance under this Act shall submit a Governor's coordination and special services plan for two program years to the Secretary describing the use of all resources provided to the State and its service delivery areas under this Act and evaluating the experience over the preceding two years.

(b)(1) The plan shall establish criteria for coordinating activities under this Act (including title III [29 USCS § 1651 et seq.]) with programs and services provided by State and local education and training agencies (including vocational education agencies), public assistance agencies, the employment service, rehabilitation agencies, [,] programs for the homeless postsecondary institutions, economic development agencies, and such other agencies as the Governor determines to have a interest in employment and training and human resource utilization within the State. Such criteria shall not

affect local discretion concerning the selection of eligible participants or service providers in accordance with the provisions of sections 107 and 203 (29 USCS §§ 1517, 1603).

(2) The plan shall describe the projected use of resources, including oversight and support activities, priorities and criteria for State incentive grants, and performance goals for State supported programs.

(3) The plan shall include goals for—

(A) the training of women in nontraditional employment through funds available under the Job Training Partnership Act, the Carl D. Perkins Vocational and Applied Technology Education Act, and other sources of Federal and State support;

(B) the training-related placement of women in nontraditional employment and apprenticeships;

(C) a description of efforts to be undertaken to accomplish such goals, including efforts to increase awareness of such training and placement opportunities; and

(D) a description of efforts to coordinate activities provided pursuant to the Job Training Partnership Act and the Carl D. Perkins Vocational and Applied Technology Education Act to train and place women in nontraditional employment.

(4) The State plan shall include a description of the manner in which the State will encourage the successful carrying out of

(A) training activities for eligible individuals whose placement is the basis for the payment to the State of the incentive bonus authorized by title V [29 USCS § 1791 et seq.]; and

(B) the training services, outreach activities, and preemployment supportive services furnished to such individuals.

(5) The Governor shall report to the Secretary the adjustments made in the performance standards and the factors that are used in making the adjustments.

(6) If major changes occur in labor market conditions, funding, or other factors during the two-year period covered by the plan, the State shall submit a modification to the Secretary describing these changes.

(c) Governor's coordination and special services activities may include—

(1) making available to service delivery areas, with or without reimbursement and upon request, appropriate information and technical assistance to assist in developing and implementing plans and programs;

(2) carrying out special model training and employment programs and related services (including programs receiving financial assistance from private sources);

(3) providing programs and related services for offenders, homeless individuals and other individuals whom the Governor determines require special assistance;

(4) providing financial assistance for special programs and services designed to meet the needs of rural areas outside major labor market areas;

(5) providing training opportunities in the conservation and efficient use of energy, and the development of solar energy sources as defined in section 3 of the Solar Energy Research, Development and Demonstration Act of 1974 [42 USCS § 5552];

(6) industry-wide training;

(7) activities under title III of this Act [29 USCS § 1651 et seq.];

(8) developing and providing to service delivery areas information on a State and local area basis regarding economic, industrial, and labor market conditions;

(9) providing programs and related services to encourage the recruitment of women for training, placement, and retention in nontraditional employment;

(10) providing preservice and inservice training for planning, management, and delivery staffs of administrative entities and private industry councils; as well as contractors for State supported programs; and

(11) providing statewide programs which provide for joint funding of activities under this Act with services and activities under other Federal, State, or local employment—related programs, including Veterans' Administration programs.

(d) A Governors coordination and special services plan shall be approved by the Secretary unless the Secretary determines that the plan does not comply with specific provisions of this Act.

§ 1532. State Job Training Coordinating Council

(a) * * *

(b) Duties.—

(1)–(4) * * *

(5) review the reports made pursuant to subparagraphs (D) and (E) of section 104(b)(12) and make recommendations for technical assistance and coorective action, based on the results of such reports;

(6) prepare a summary of the reports made pursuant to subparagraphs (D) and (E) of section 104(b)(12) detailing promising service delivery approaches developed in each service delivery area for the training and placement of women in nontraditional occupations, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;

(7) review the activities of the Governor to train, place, and retain women in nontraditional employment, including activities under section 123, prepare a summary of activities and an analysis of results, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary.

(8) consult with the sex equity coordinator established under section 111(b) of the Carl D. Perkins Vocational and Applied Technology Education Act, obtain from these equity coordinator a summary of activities and an analysis of results in training women in nontraditional employment under the Carl D. Perkins Vocational and Applied Technology Education Act, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;

(9) review and comment on the State plan developed for the State employment service agency;

(10) make an annual report to the Governor which shall be a public document, and issue such other studies, reports, or docu-

ments as it deems advisable to assist service delivery areas in carrying out the purposes of this Act;

(11)(A) identify, in coordination with the appropriate State agencies, the employment and training and vocational education needs throughout the State, and assess the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, and other Federal, State, and local programs and services represent a consistent, integrated, and coordinated approach to meeting such needs; and

(B) comment at least once annually on the measures taken pursuant to section 113(b)(9) of the Carl D. Perkins Vocational and Applied Technology Education Act [20 USCS § 2323(b)(9)]; and

(12) review plans of all State agencies providing employment, training, and related services, and provide comments and recommendations to the Governor, the State legislature, the State agencies, and the appropriate Federal agencies on the relevancy and effectiveness of employment and training and related service delivery systems in the State.

(c) In addition to the functions described in subsection (b), the Governor may, to the extent permitted by applicable law transfer functions which are related to functions under this Act to the council established under this section from any State coordinating committee for the work incentive program under title IV of the Social Security Act [42 USCS §§ 601 et seq.] or any advisory council established under the Wagner-Peyser Act [29 USCS § 49 et seq.].

§ 1533. State education coordination and grants

(a) The sums available for this section pursuant to section 202(b)(1) [29 USCS § 1602(b)(1)] shall be used by the Governor to provide financial assistance to any State education agency responsible for education and training—

(1) to provide services for eligible participants through cooperative agreements between such State education agency or agencies, administrative entities in service delivery areas in the State, and (where appropriate) local educational agencies;

(2) to facilitate coordination of education and training services for eligible participants through such cooperative agreements;

(3) to provide—

(A) literacy training to youth and adults;

(B) dropout prevention and reenrollment services to youth giving priority to youth who are at risk of becoming dropouts;

(C) a Statewide school-to-work transition program operated in a manner consistent with section 205(e) [29 USCS § 1605(e)]; or

(D) any combination of the activities described in subparagraphs (A), (B), and (C) of this paragraph; and

(4) to provide statewide coordinated approaches, including model programs, to train, place, and retain women in nontraditional employment.

(b) The cooperative agreements described in subsection (a) shall provide for the contribution by the State agency or agencies, and the local educational agency (if any), of a total amount equal to the amount provided, pursuant to subsection (a)(1), in the grant subject to such agreement. Such matching amount shall not be provided from funds available under this Act, but may include the direct cost of employment or training services provided by State or local programs.

(c)(1) Funds available under this section may be used to provide education and training, including vocational education services, and related services to participants under title II [29 USCS § 1601 et seq.]. Such services may include services for offenders, veterans, and other individuals whom the Governor determines require special assistance.

(2)(A) Not more than 20 percent of the funds available under this section may be spent for activities described in clause (2) of subsection (a).

(B) At least 80 percent of the funds available under this section shall be used for clauses (1), (3), *and (4)* of subsection (a) for the Federal share of the cost of carrying out activities described in such clauses. For the purpose of this subparagraph, the Federal share shall be the amount provided for in the cooperative agreements in subsection (b).

(3) Not less than 75 percent of the funds available for activities under clauses (1), (3), *and (4)* of subsection (a) shall be expended for activities for economically disadvantaged individuals.

(d) If no cooperative agreement is reached on the use of funds under this section, the funds shall be available to the Governor for use in accordance with section 121 [29 USCS § 1531].

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§ 1604. Use of funds

(1–26)

(27) outreach, to develop awareness of, and encourage participation in, education, training services, and work experience programs to assist women in obtaining nontraditional employment, and to facilitate the retention of women in nontraditional employment, including services at the site of training or employment,

(28) needs-based payments necessary to participation in accordance with a locally developed formula or procedure, and

(29) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of that training.

Subchapter 4—Federally Administered Programs

PART D—NATIONAL ACTIVITIES

§ 1731–1736 * * *

§ 1737 Demonstration programs

(a)(1) From funds available under this part for each of the fiscal years 1992, 1993, 1994, and 1995, the Secretary shall use $1,500,000 in each such fiscal year to make grants to States to develop demon-

stration and exemplary programs to train and place women in nontraditional employment.

(2) The Secretary may award no more than 6 grants in each fiscal year.

(b) In awarding grants pursuant to subsection (a), the Secretary shall consider—

(1) the level of coordination between the Job Training Partnership Act and other resources available for training women in nontraditional employment,

(2) the extent of private sector involvement in the development and implementation of training programs under the Job Training Partnership Act,

(3) the extent to which the initiatives proposed by a State supplement or build upon listening efforts in a State to train and place women in nontraditional employment;

(4) whether the proposed grant amount is sufficient to accomplish measurable goals;

(5) the extent to which a State is prepared to disseminate information on its demonstration training programs; and

(6) the extent to which a State is prepared to produce materials that allow for replication of such State's demonstration training programs.

(c)(1) Each State receiving financial assistance pursuant to this section may use such funds to—

(A) award grants to service providers in the State to train and otherwise prepare women for nontraditional employment;

(B) award grants to service delivery areas that plan and demonstrate the ability to train, place, and retain women in nontraditional employment; and

(C) award grants to service delivery areas on the basis of exceptional performance in training, placing, and retaining women in nontraditional employment.

(2) Each State receiving financial assistance pursuant to subsection (c)(1)(A) may only award grants to—

"(A) community based organizations,

"(B) educational institutions, or

"(C) other service providers,

that have demonstrated success in occupational skills training.

(3) Each State receiving financial assistance under this section shall ensure, to the extent possible, that grants are awarded for training, placing and retaining women in growth occupations with increased wage potential.

(4) Each State receiving financial assistance pursuant to subsection (c)(1)(B) or (c)(1)(C) may only award grants to service delivery areas that have demonstrated ability or exceptional performance in training, placing, and retaining women in nontraditional employment that is not attributable or related to the activities of any service provider awarded funds under subsection (c)(1)(A).

(d) In any fiscal year in which a State receives a grant pursuant to this section such State may retain an amount not to exceed 10 percent of such grant to—

(1) pay administrative costs,

(2) facilitate the coordination of statewide approaches to training and placing women in nontraditional employment, or

(3) provide technical assistance providers.

(e) The Secretary shall provide for evaluation of the demonstration programs carried out pursuant to this section, including evaluation of the demonstration programs' effectiveness in—

(1) preparing women for nontraditional employment, and

(2) developing and replicating approaches to train and place women in nontraditional employment.

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